

MINUTES OF THE MEETING OF THE LOWER SOUTHAMPTON TOWNSHIP BOARD OF SUPERVISORS HELD ON WEDNESDAY, APRIL 10, 2013 AT 7:30 PM IN THE ADMINISTRATION BUILDING, 1500 DESIRE AVENUE, FEASTERVILLE, PA 19053

Roll Call: Julia Newman
Keith Wesley
Ed Shannon
Patrick Irving
Joseph McFadden

Staff: John McMenamin, Township Manager
Francis Dillon, Township Solicitor
William Wiegman, Chief of Police
Carol Drioli, Zoning Officer
William Oettinger, Fire Marshal
Joe Condo, Public Works Director
John Genovesi, Township Engineer
Janet Hude, Township Secretary

Julia Newman called the meeting to order at 7:30 p.m. followed by the Pledge of Allegiance.

Ms. Newman said as some of you may be aware we had to dismiss our Township Finance Director late last week. Ms. Newman said in early December of 2012 the Township Solicitor was advised there was a criminal investigation by the District Attorney's Office regarding theft allegations made against our Township Finance Director, Robert Butts. The Township Manager was advised at this time of the investigation and immediate action was taken to insure that Mr. Butts did not have access to Township funds. Ms. Newman said the Board of Supervisors was made aware of the allegations and the precautions which were taken, to insure the safety of Township funds. Since the end of the year we have had an annual audit conducted, the Auditors have advised the Township Manager that the finances are in order and the audit has not shown any irregularities of any kind. The Board of Supervisors are thus far satisfied with the results of the Audit and is awaiting the final documentation. The Township Solicitor was then advised on Thursday, March 28, 2013 by the District Attorney that Mr. Butts was going to be arrested and charged with theft. The Township Solicitor advised the Township Manager, John McMenamin, of his arrest and the Township Manager immediately suspended the Finance Director pending the arrest. The Township Manager then called a Special Meeting of the Board of Supervisors, which we held last Monday, April 1, 2013, at that meeting the Board decided to up hold the suspension and the dismissal of the Township Finance Director once the arrest was made. Ms. Newman said despite the knowledge that nothing improper has happened with the Township funds the Board of Supervisors decided to uphold the suspension and termination effective immediately upon the arrest, we believe it is impossible for Mr. Butts to effectively serve as Finance Director of Lower Southampton Township when he has been arrested and charged with a theft. The Board of Supervisors made this decision to insure the continued public confidence in the Township and the status of the Township's finances. Ms. Newman said she would like to congratulate the Township Manager and our Solicitor as well as the rest of the Board for being pr-active and taking measures staying on top of the situation and protecting the Township and the Township's assets.

PUBLIC PORTION: No one came forward

1. CONSENT AGENDA

a. APPROVAL OF MINUTES MARCH 13, 2013

- b. APPROVAL OF ACCOUNTS PAYABLE APRIL 10, 2013
- c. ADOPT RESOLUTION 2013-14 DISPOSITION OF OLD FILES
- d. APPROVAL OF STOP SIGN INSTALLATION ON EASTBOUND WOOD ROAD AT MARSHALL AVENUE

Keith Wesley made a motion to approve the following:

To approve the minutes of March 13, 2013, subject to additions and corrections.

To approve Accounts Payable for April 10, 2013, subject to Audit.

To adopt Resolution 2013-13 Disposition of old files.

To approve the Stop Sign installation on Eastbound Wood Road at Marshall Avenue.

Seconded by Joseph McFadden
Motion passed with a vote of 5-0

2. COUNTY BUILDERS, STREET ROAD & PHILMONT AVENUE, PRELIMINARY/FINAL SUBDIVISION & LAND DEVELOPMENT – EMERALD WALK

MOTION: Keith Wesley made a motion to open the hearing. Seconded by Ed Shannon
Motion passed with a vote of 5-0

Michael Savona attorney for Applicant and Kevin Reilly associate for County Builders came forward.

Mr. Savona said we are here this evening on the application of County Builders for Preliminary/Final Subdivision approval on Phase I of the Land Development Plan, which we have entitled Emerald Walk. Mr. Savona said we are also seeking a Preliminary approval for Phase II, which is the Commercial Plan. Mr. Savona said the residential portion of the project, where the townhouses are located, which are behind Street Road, as well as the area to the rear of the property is all open space and a large stormwater basin has been designated as Phase I. Mr. Savona said phase II is the portion, which immediately fronts Street Road located in the C-2 Commercial District, which was formed by the Township's Comprehensive re-zoning and all of the proposed commercial development that will be done in the mixed use development is within what is labeled as Phase II. Mr. Savona said the Phase I/Phase II distinction became important for a number of reasons which he will explain as he goes along. Mr. Savona said most importantly is in dealing with the traffic impact and some of what PADOT is going to require the Applicant to do in conjunction with the over all development of this entire site. Mr. Savona said again, we are here this evening to ask the Board's approval for both Preliminary/Final for only Phase I, Phase I obviously being the residential portion. Mr. Savona noted by way of background information the Board is probably aware that this property has been under consideration for development of some kind for a period of time which he can't discern exactly, there have been many proposed plans the Township has paid attention to this site in intermittent times –most recently when the this Board approved a re-zoning of this parcel in 2011 to change the property designation from R-2 to R-4 all of the property save the portion which fronts Street Road remains R-4 under the current Zoning Ordinance and Zoning Map – the only change being the Commercial corridor which was added all up and down Street Road and is the portion that immediately fronts Street Road. Mr. Savona said for Phase I the Applicant proposes a development of 131 residential units these are comprised of both single stand alone townhouse units, as well as what the Applicant refers to as stacked townhouse units, which are two units located on top of one another

within a single structure. The townhouses are within the limits of the Township's Zoning Ordinance requirements with respect to density. The R-4 Zoning District permits five units per acre the Applicant is developing this site at 4.9 units per acre, which is compliant with the Township's Zoning and happens to be just about mid-point between the ratio the Applicant had for Walnut Ridge and Walnut Grove, these developments are very similar to Emerald Walk. Mr. Savona said Walnut Ridge was developed at about 4.6 unit per acre and Walnut Grove at 5.16 unit per acre, 4.9 falls precisely in that range and frankly it is a range the Applicant is comfortable with because we found over the course of developing two of these communities in the Township that it is a level where it doesn't over crowd and maintains a good balance for the residents who live in the community. Mr. Savona said that is the proposal in terms of the townhouses and the number of units. The numbers as they breakdown - there will be 83 individual townhouse units and 48 stacked townhouse units, there will be three different models of townhouses - the price point that the Applicant is estimating to sell these units at would begin somewhere around \$350,000 per unit, which was the same sales point he Applicant anticipated and actually realized for Walnut Grove. Mr. Savona said there is also on site an inground pool, cabana and a tot lot that would be considered an amenity for the benefit of the residents who live on site. The location of the pool has been moved from its original plan. Mr. Savona said we went to a hearing before the Zoning Hearing Board for two variances, which he will talk about - but the public comments received during the zoning proceeding - became apparent that re-locating the pool further away from the rear property line would be beneficial both to the property owners in the existing neighborhood who live near the property line and in terms of over all site placement for the use of the residents just made sense. Mr. Savona said the variances requested from the Zoning Hearing Board both of which were granted in this instance are actually a little bit unique - only going to talk about them because he thinks it reflects the fact that there has been a lot of thought that went into the development of this project. - we haven't tried to build the project to it's highest impact from a dollar and cents standpoint from the developers perspective because we wanted this project to fit and have as little impact as we could on the neighboring and surrounding property owners. The two variances requested and were granted unanimously by the Zoning Hearing Board on March 7th, 2013 dealing with the placement of residential units within the upper most portion of the property fronting on Street Road and a section of parking which we asked and were granted permission to hold in reserve. As to the first variance in accordance with the current zoning C-2 commercial would permit the highest level of density in terms of commercial use that is available under the Zoning Ordinance. Mr. Savona said the Applicant could technically build within the C-2 commercial area all the way to the rear buffer yard adjacent to the neighboring community - the Applicant did not believe that was appropriate - while C-2 zoning may be appropriate on Street Road generally each property has to be evaluated on a case by case basis and when we looked at the impact that it would have to the residential neighborhood behind our property it made less sense to us to develop that entire area a commercial then it did to provide for a softer transition by allowing residential units in that area, people buying those units will know that they are buying in an area that is adjacent to commercial - no gotchal factor. Mr. Savona said so in order to soften the impact on the neighboring community we asked the Zoning Hearing Board for a variance and received the variance to place the residential units within that portion of the C-2 property. Mr. Savona said we also agreed to a condition, not under any obligation to do so, but we felt it was the right thing to do, because we are developing this project in two phases and because there is still going to be a residential community located adjacent to the commercial properties, we agreed with the Zoning Hearing Board placing a condition on that variance that if the density of the use in the remaining commercial area changes - right now the Applicant is proposing retail, a restaurant, a bank, relatively low impact - if the Applicant is going to change the density of that to make it something that would be inconsistent with the neighborhood like a Pep Boys or a used car lot or something which is much less consistent with a residential neighborhood the Applicant would have to go back to the Zoning Hearing Board for permission to do that. Mr. Savona said so the Applicant has taken some steps internally even before he appeared before the Board tonight to try to mitigate any effect this could have to the existing neighborhood

and the neighborhood he hopes to create by approval of this plan. Mr. Savona said with regard to the pool, which is located to the rear shows an area to the top of the plan where there is an area of parking that we asked to hold in reserve - under the Township's existing parking requirements a community of this size - because of the way the parking ratios are set for this type of development the Applicant would be required to build 393 parking spaces for 131 units and experience tells us that's more parking than we would ever need and not being a fan of excess impervious surface the Applicant asked that he be given the same latitude as a commercial development has under the Zoning Ordinance- where a certain amount of parking spaces can be held in reserve, they are designed as depicted on the plan, but they are not planned to be built unless and until the Township would make a determination that there is a parking problem in which case it would be the obligation of the Home Owners Association to actually build those spaces. Mr. Savona said the Zoning Hearing Board agreed that it was unnecessary and actually the comments that came the evening of the Zoning Hearing Board meeting seem to indicate that the residents who live adjacent to that particular section of the property would actually prefer that the parking spaces never be built - general consensus was to eliminate those parking spaces in the first run made sense - less disturbance to the area, less creation or stormwater runoff and overall a more pleasant effect aesthetically to the project. Mr. Savona said again the Applicant is here tonight to ask your approval of this project and we believe the project will have a positive impact on the Township, our experience tells us that just in terms of dollars and cents the Walnut Grove development, which the price point will be the same on these townhouses, our Realtor informs us that these units are paying somewhere between \$7,000 & \$7,500 per year total in real estate taxes and of course certain parts of that go to the school district and county but the dollar and cents evaluation of the 131 units selling at that price point, and if we have a similar experience and the Township's level of taxation doesn't change the Township is looking at almost a million dollars in real estate taxes to the three taxing districts. Mr. Savona said we are also anticipating because of the price point that the per household income for each one of these units will have to be somewhere between \$100,000 & \$150,000, which will have a net result in wage taxes to the Township of somewhere between \$130,000 to \$200,000 - that's direct revenue once the community is built out and its occupied by residents, that's just dealing with the residential portion, because that is all we are here to ask the Board for final approval tonight.

Mr. Savona said the Commercial portion is still up in the air and that's only up in air because we are in the mist of engaging with the Township and Township Traffic Engineer and with PADOT to conduct a comprehensive analysis of the intersection of Street Road and Philmont Avenue as well as a number of intersections and crossings that go and extend beyond Street Road. Mr. Savona said PADOT has told us that this intersection is one of the worst in the Township; anyone that has been on that road at rush hour knows it backs up. Mr. Savona said it requires widening, it requires additional turn lanes, it requires a substantial amount of improvements in order to make it work better, don't know if we will fix it completely, but we can make it work better. Mr. Savona said the Applicant has agreed to engage in this analysis with PADOT and a additional surrounding property owner, so as we speak the Township's Traffic Engineer will be doing this study and any of those recommendations and the improvements once they are approved by PADOT will become part of the requirements that we include in the Commercial Phase Development that obviously is a longer process. This is a complicated problem and we need some time to sort it out so we have agreed to defer our development of the commercial portion until those details are sorted out most importantly till the cost is ascertained, because obviously it is not going to be cheap to do the work at this intersection and we are willing to make that an condition of the final approval of the commercial portion.

Mr. Savona said as to the residential portion PADOT has indicated that they are content with a traffic impact analysis and they would be willing to issue a separate HOP for the residential portion, preliminarily they do not believe that the traffic flows coming out of the driveways of the residential site will be sufficient to warrant improvements in of

themselves, but he said that the Applicant has planned for what he knows is coming – the design of phase residential portion has been designed to take into account what he knows would be needed in right-of-way to widen Philmont Avenue to allow for that extra turn lane and for the tapers to bring the traffic back in. Mr. Savona said there are a few waivers – not many – we are asking for five waivers, they are not anything that he would consider to be major or substantial – the Applicant has worked very hard to make this a compliant plan. Mr. Savona noted that the two variances that we asked for were really things to better the aesthetics and the management of the land, we probably could have developed without those but we did ask for the variance to make the plan fit better and the plan was designed to the greatest extent possible to meet all the requirements of the Ordinance, so we don't have a lot of waivers to talk about this evening.

Mr. Dillon said on that issue the Board has received the Engineer's review letter dated March 11th, 2013 and his understanding is that it is the response of the Applicant that they will comply with all the conditions except the waivers requested.

Mr. Dillon said the first waiver is from Section 22-510.2 –Residential driveways shall be located not less than 40' from the intersection of the rights-of-way at corner lots. At the intersections of Road 'B' and Road 'A' there are dwellings closer than the minimum. Mr. Reilly said the two units at the intersection of Roads A & B are within 40' of the intersection and that is standard for a townhome community, we had it both in Walnut Grove and Walnut Ridge. Mr. Dillon noted that the Township Engineer does not have a problem with this.

Mr. Dillon said the next waiver is from Section 22-518.4 - prohibits excavation that results in a cut steeper than (4) horizontal to (1) vertical. Several areas are depicted with finished slopes greater than 4:1 or 25%. Mr. Savona said he did not think they could point them all out, because of the topography of this is such that he thinks it is almost impossible to grade it to a 4:1 the 3:1 slope which we are asking for actually was the accepted Township standard required slope up until the end of last year when the Subdivision/Land Development Ordinance was changed, so what we are asking is nothing more than a waiver to go back to the standard they way it would have been 12 months ago. Mr. Dillon noted that the Township Engineer does not have a problem with this.

Mr. Dillon said the next waiver is from Section 22-601.2 – limits disturbance to steep slopes. Mr. Savona said the intended of the steep slopes protection areas are to prevent the disturbance of naturally occurring areas on the site – the slopes that are present here are all manmade. Mr. Savona said as you all may know there was a quarry here for many, many years the area was cut refilled and the Applicant has spent upward to a million dollars cleaning up the site removing some of that fill so it's almost contrary to think there are any true steep slopes or natural resources that would require protection because of all of this site has been at one time or another has been opened, filled and destroyed, so we are asking for a waiver because we do not think it is necessary to protect the slopes that exist out there. Mr. Dillon noted that the Township Engineer has no problem with this.

Mr. Dillon said the next waiver is from Section 22-610.3 – limits the area of Woodlands that is allowed to be disturbed. The proposed amount of disturbance is 69% where the maximum allowed is 30%. Ms. Savona said again similar to the steep slopes issue this environmental standard is typically intended to protect large continuous areas of good quality woodlands, that's not present here. Mr. Reilly said he had a Registered Landscape Architect come out and he met him on the site because he is not an expert on trees – he walked the site with the Architect and was informed that the majority of the trees on this site are invasive species, vines, not much of high quality tree out there and he is writing a letter that he can submit if the Board so chooses. Mr. Dillon said the Township Engineer does not have a problem with this.

Mr. Dillon said the next waiver is from Section 22-522.8.A – requires that any tree with a caliper 3 inches or greater, removed as a result of the proposed development, be replaced and we are suggesting some type of fee-in-lieu of. Mr. Savona said again taking a cue from our Registered Landscape Architect that the quality of the woodlands are not typically what this Ordinance would want to try and protect, the removal of those trees arguably would be better for the environment, but recognizing your Ordinance requires a certain amount of tree replacement with the level of clearing that we have had to make in order to accomplish the development and to install those stormwater controls there is simply not room on the site, so we have offered a fee-in-lieu of the tree replacement at a total amount of \$65,500.00, which will be payable as we did with Walnut Grove on a per unit basis each time we pull a building permit – equates to \$500.00 per unit.

Mr. Dillon said Mr. Savona was correct the one additional item was changed to a will comply, but that particular item #28 - we want to mention. Mr. Dillon said there is a parking interconnect which is shown on the plan which when we were reviewing this today, a comment was made and it was suggested that two parking spaces be removed and the Applicant has agreed to make that change to the plan. Mr. Reilly said it is just for the stacked townhomes parking lot – right now it is dead end parking on two rows and what we are going to do is remove two spaces so the cars can loop around if the parking lot is full they can loop around and leave. – It will be a will comply.

Mr. Dillon said there is a Section dealing with Sanitary Sewer Review, Section E dealing with Stormwater Management, and Section F dealing with Other Agency Services and they are all will comply. Mr. Dillon said with Stormwater Management being a will comply with the satisfaction of the Township Engineer. Mr. Savona said the Applicant will work with the Township Engineer and the Township to come up with away to make that the most environmentally friendly basin that they possibly can. Mr. Savona said he believes the development on this corner would be a benefit, it's consistent with the Zoning Ordinance and the requirements the Township has established for this area and we have tried to design it in away that it is a friendly neighborhood understanding that we can never make everyone completely happy. Mr. Savona said we have attempted to take into account everyone's concerns and we have listened, the plan had a unanimous recommendation from Lower Southampton Township's Planning Commission, as he said we received an unanimous endorsement from the Zoning Hearing Board for all the zoning relief we asked for, so we would ask that the Supervisors approve Preliminary/Final for Phase I and Preliminary approval for Phase II.

Mr. Shannon asked Mr. Savona if in their estimates for revenues did they include the Earned Income Tax – Mr. Savona said yes.

Mr. Wesley said with the C-2 did the Zoning Hearing Board put a limit on the foot print of any of the buildings. Mr. Savona said they haven't limited specifically the size or the layout. The buildings have been designed to meet zoning so they are by right. Mr. Savona said what we were concerned with and experience will tell you over the course of the development of Walnut Grove the Board approved the plan originally and subsequent to that there were actually two amendments as the commercial users involved and the needs changed – there were actually two separate amendments and he would expect the same that probably would happen here. Mr. Savona said in theory if we find tenants that will fit those buildings exactly as they stand we can build those buildings and we can use them as they are intended. Mr. Savona said the Zoning Hearing Board has limited us, however if our users change and the building layouts change there is potentially two different places we have to go for permission – one being to come back to the Board, because we would have to revise this plan and the Board would have to give approval whether it is part of final or even if it's even after final approval as an amended plan to change the configuration – secondly if the users change we have to keep them on an equivalent basis or else we have to go back to the Zoning Hearing Board for variance approval to change the use, it makes it very difficult for us to try to cheat – to go out of this without following what we agreed to do.

Mr. Wesley said he does have another concern and he does believe honestly with PADOT getting involved - he believes they can make the traffic flow better then it has ever flowed before, but one of his concerns is he listened to the major concerns of the residents in November 2011 and one was illegal dumping that was going on - on a daily basis and he is glad that has stopped and that the Applicant is cleaning the property up. Mr. Wesley asked Mr. Reilly when he was testing the soil how deep did he go. Mr. Reilly said thirty (30 feet, we pulled the entire quarry out and crushed it - crushed all the concrete - just construction very little trash and its going back in compactness. Ms. Drioli noted that with regard to the digging, that was all done under the inspection of the Bucks County Conservation District, let it be known they did not just dig and do what they wanted to do in accordance with how they felt it should be done, it was done with permits from the Bucks County Conservation District and inspections.

Mr. McFadden asked do we have information on the tendency for the stormwater drainage in this area - where is it moving towards in a general nature. Mr. Reilly said he believes the stormwater - there is a creek that runs underneath the turnpike and everything heads that way - it is the Poquessing Creek. Mr. Reilly said he has had several conversations with John Genovesi, Township Engineer about how we are going to send our stormwater - right now sending everything to the intersection of Philmont & Sterner Mill Road and getting it to the creek that way. Mr. Genovesi feels it is a better solution to take the large basin and send it to the existing culvert that runs on Sterner Mill Road right at our property and send it that way - we have no objection to this - we will take care of that. We also talked today about having a meeting next week to review all stormwater items - discussion ensued.

Mr. Irving noted that the developer has an entrance on the south side of the development is there going to be another entrance for emergency services. Mr. Reilly said the emergency services entrance is near the cul-de-sac and then out to Street Road. Mr. Reilly noted that the Fire Marshal had reviewed the plans and wrote a letter noting what he wanted and we also met and we will be doing everything that he requested.

Mr. Shannon asked what they anticipate the time frame to be on the residential development. Mr. Reilly said he needs preliminary land approval to start marketing the homes, which would be the end of April, and should be finished in two to three years.

The following residents came forward to state their concerns regarding traffic, drainage, widening of Philmont Avenue, stormwater management, amount of units to be built at this site, and access to Sterner Mill Road by vehicles and people. Most of the people do not want this development to take place. The names are George Heaney Patricia Horan, Barbara Kochanowicz and Alan Ash.

Mr. Reilly said he wanted to make a couple of statements - we know we are affecting the residents on Sterner Mill Road and we are not running from that. Mr. Reilly noted that he has met with some of the residents out on the site and he has given them his phone number and he is not running away from this project he will be there almost every day while this development is in process and that will be probably for the next 3 years. Mr. Reilly said we are proposing no vehicle access and no pedestrian access into the Sterner Mill neighborhood, in addition we are showing proposed landscaping - young growth - 6' to 8' tall evergreen trees all along the Sterner Mill property line and we are going to try to appease those neighbors as best we can. Mr. Reilly also noted that there is an existing metal quarry fence that's there - it's nasty - and he has committed to the neighbors and putting it on public record this evening that the fence will be removed and that County Builders will pay to put up a new fence along that property line.

Mr. Fiocco, Township Traffic Engineer explained what he would be looking at while doing the Comprehensive Analysis of the traffic and the intersection of Street Road and Philmont Avenue. Mr. Fiocco also noted that he would recommend where cross walks

should be placed along with sidewalks on Street Road and Philmont Avenue. Again this Comprehensive Analysis will be done by Mr. Fiocco working with PADOT to come up with a plan for this area. Mr. Savona noted that as he has said they will, along with the other property owner, will do what has to be done to help make vehicle flow better along Street Road and Philmont Avenue.

MOTION: Joseph McFadden made a motion to grant Preliminary/Final Approval of Phase I and Preliminary Approval of Phase 2 – Subdivision Land Development Plan, plan consist of forty-seven sheets dated March 11, 2012, last revised February 7, 2013, plans were prepared by Langan Engineering & Environmental Services, One West Broad Street, Suite 200, Bethlehem, PA. The Board has granted Preliminary/Final Approval for Phase I subject to specific compliance with all of the following terms and conditions;

- ✓ Applicant will comply with all of the requirements of the engineering review letter except for those for which a waiver is specifically granted.
- ✓ Section 22-510.2 requires residential driveways shall be located not less than 40 feet from the intersection of the rights-of-way at corner lots. At the intersection of Road “B” and Road “A” there are dwellings closer than this minimum. A waiver of this section of the ordinance was requested and granted.
- ✓ Section 22-158.4 prohibits excavation that results in a cut face steeper than (4) horizontal to (1) vertical. Several areas are depicted with finished slopes greater than 4:1 or 25%. Prior to construction, shop drawings and specification are to be submitted to the Township Engineer and a professional experienced geotechnical engineer is required to inspect and certify the retaining wall construction. Subject to these conditions, the Applicant is granted a waiver from this section of the ordinance.
- ✓ Section 22-601.2 limits disturbance to steep slopes. A table is provided on Plan Sheet CG-600 which details the disturbance to steep slopes as a result of the proposed improvements. All three categories of steep slope are to be disturbed in excess of the maximum allowed. Much of the site’s steep slopes are the result of the past quarry operations which created those slopes. The slopes are created out of an earth moving activity rather than being from natural geological process. Activities involving the subsequent filling of portions of the quarry with material from highway construction have also taken place. Applicant has requested and was granted a waiver from strict compliance with this section.
- ✓ Section 22-601.3 limits the area of Woodlands that is allowed to be disturbed. The proposed amount of disturbance is 69% where the maximum allowed is 30%. The waiver requested from this section of the ordinance was granted.
- ✓ Section 22-522.8.A requires that any tree with a caliper 3 inches or greater, removed as a result of the proposed development, be replaced. Applicant requested and was granted a waiver from this requirement
- ✓ The Plan will be modified to remove two parking spaces at the end of the parking lot in the area of the multifamily duplex building to allow for circulation of traffic.
- ✓ Applicant will provide a traffic impact assessment.
- ✓ In lieu of replacing trees and additional open space, Applicant will contribute \$500 per dwelling unit to be paid when the building permits are requested with the funds being placed in the Beautification Fund.

- ✓ The fence along the property line adjacent to the neighborhood will be replaced with a new fence and buffer trees.
- ✓ Applicant completing all improvements to the satisfaction of the Township Engineer

The Board has granted Preliminary Plan Approval for Phase 2 subject to specific compliance with all of the following terms and conditions:

- ✓ Applicant paying for/providing its proportionate share for a Traffic Impact Study.
- ✓ Applicant making or paying for its proportionate share for the improvements required by the traffic impact study and PennDOT; and
- ✓ Applicant installing the sidewalks required by the traffic impact study and Township Traffic Engineer on Philmont Avenue and on Street Road
- ✓ Applicant completing all improvements to the satisfaction of the Township Engineer

It is the responsibility of the Applicant to incorporate all of the foregoing items into the Final plan prior to recording. The Applicant shall comply with all of the requirements of the Bucks County Conservation District that may be applicable at this time pursuant to §402.3(j)(2) of the Ordinance and any and all requirements of the Pennsylvania Department of Environmental Protection including, but not limited to, those requirements pertaining to sewage facilities planning modules.

The Applicant will be required to comply in all respects with each and every requirement of the Lower Southampton Township Code of Ordinances (the "Code"), specifically but not limited to, the Lower Southampton Township Subdivision & Land Development Ordinance Chapter 22 of the Code (the "Ordinance") & the Lower Southampton Township Zoning Ordinance, Chapter 27 of the Code (the "Zoning Ordinance"), as well as all of the municipal Ordinances & regulations & with the laws & regulations of every level of government having jurisdiction over any aspect of this property.

Applicant shall obtain, beyond appeal, any and all reviews, permits and approvals of any and all government agencies which may have jurisdiction over this Plan, including, but not limited to, the Pennsylvania Department of Transportation, the Bucks County Planning Commission, the Bucks County Conservation District, the Bucks County Water & Sewer Authority, the Lower Southampton Township Planning Commission, the Lower Southampton Township Department of Public Works and the Lower Southampton Township Fire Marshal.

Applicant shall be required to revise the Plan and to complete all of the required revisions set forth in this approval prior to recording of the Plan, which will be addressed by the Township in a timely manner. Applicant shall be required to post such funds as required by the Township to reimburse the Township for any and all professional services and fees associated with the land development review and approval of the Plan prior to recording.

Prior to issuance of any building permits, Applicant shall be required to execute such appropriate Land Development Agreements, Site Development Security Agreements and Storm Water Maintenance Monitoring Agreements as determined appropriate by the Township Solicitor and to post such security as may be required to guarantee the installation of any public improvements in an amount determined by the Township Engineer prior to issuance of any permits pursuant to this Land Development approval. Applicant shall be required to post such escrow funds as required by the Township to reimburse the Township for any and all professional services fees associated with the

permitting process, inspection and final approval of the within project and improvements. Failure to satisfy the conditions of this paragraph may result in delay in the issuance of permits for this project or may result in the violation of the express terms and conditions of this approval.

Applicant is under a continuing obligation to comply with the terms, conditions and provisions of these preliminary final approvals. Any failure to comply may subject the Applicant to the penalties provided for violation of the Zoning Ordinance of Lower Southampton, the Subdivision and Land Development Ordinance or general ordinances of the Township of Lower Southampton and any other such penalties as may be provided by law.

Seconded by Ed Shannon
Motion passed with a vote of 5-0

MOTION: Keith Wesley made a motion to close the hearing. Seconded by Patrick Irving
Motion passed with a vote of 5-0

Manager's Report:

LED Lights - Mr. McMenamin said with regard to the LED lights of the initial 400 - 394 of those have been installed - we found places for the 6 that we had left and Armour is going to get back to him with how far we can go with the \$25,000 that is left in the RDA Grant.

Dump Truck for Public Works Department - Mr. McMenamin said the first of the two dump trucks should be here within the next 2 weeks and that cost was approximately \$92,000 again from the RDA Grant.

Ruth Street Project - Mr. McMenamin noted that they did have the pre-bid meeting on the site and there were a couple of suggestions by some of the contractors and there were some changes, so that bid was extended until May 2nd for the bid opening.

Lower Southampton Twp Industrial Development Authority - Mr. McMenamin noted that they had their first project - we met about a week and a half ago - we are involved in the re-financing of bonds for Cairen University with a fee of \$10,000 to the Authority after expenses being paid we will give a report on how much the Authority will finally have in their bank account.

Clean-up Day - April 20th - Mr. McMenamin noted that our clean-up day is coming up and we will have two shredder trucks here in the parking lot - one will be a walk in dumpster for electronic disposal and components such as computers, printers, etc and hopefully we will have a list of other electronics that can be disposed of. The shredder for paper we are limiting it to 7 boxes and no businesses are permitted to do this and the papers will be shredded here on site. We have received some more money donations, some of the businesses are donating food such as Sunoco Gas Station, Dunkin Donuts, WAWA - coffee, water, hotdogs, donuts, etc.

Pension Investors - Mr. McMenamin noted that with the economy changing he is hoping to have the Township's Pension Investors come to a meeting in May to give the Board a report on the Police Pension Funds.

FEMA Reimbursement - Mr. McMenamin noted that the Fire Marshal met with FEMA today to get our final amount for reimbursement. Mr. Oettinger said we had our final closeout meeting with FEMA today and the total submitted for reimbursement was \$248,911.28 and it will probably be 6 to 8 months before the Township receives this money.

Finance Director Position – Mr. McMenamin said the notice for the Finance Director's position is on the Web Site and TV and was given to the Consortium and another professional group – not sure of the name – also PSATS and has been advertised in the Bucks County Courier Times. Mr. McMenamin said we actually received several applications today by e-mail – will keep the Board informed.

Mr. McMenamin said he has several personnel items to discuss with Board in Executive Session.

The Board recessed to Executive Session at 9:15 to discuss Personnel matters

The Board reconvened at 9:30 pm

MOTION: Keith Wesley made a motion to authorize Carol to award a stipend to Jim Jones in the amount of \$2,000.00 for work done above and beyond during the past eight months. Seconded by Joseph McFadden
Motion passed with a vote of 5-0

MOTION: Joseph McFadden made a motion to adjourn. Seconded by Keith Wesley.
Motion passed with a vote of 5-0

There being no further business the meeting adjourned at 9:35 pm.

Ed Shannon, Secretary

Summary of Work Session April 10th:

There was a discussion on Emerald Walk being developed by County Builders

- ✓ Talked about waivers they are requesting
- ✓ How many units they are Planning Commission
- ✓ Traffic Assessment – Residential
- ✓ Traffic Study – for commercial area
- ✓ They are asking for Preliminary/Final approval for the Residential property
- ✓ Only asking for Preliminary approval for Commercial area
- ✓ Talked about widening Street Road near this project

Discussed the amended Ordinance for the Business Privilege and Mercantile Taxes.

THESE MINUTES WERE APPROVED BY THE BOARD OF SUPERVISORS AT THEIR MEETING JUNE 26, 2013.